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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,233	01/27/2006	Dietmar Martin	LUDPT016PA1150USlh	5748

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PHILADELPHIA, PA 19103

EXAMINER
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BEACH, THOMAS A

ART UNIT	PAPER NUMBER
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3671

MAIL DATE	DELIVERY MODE
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08/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/566,233

Applicant(s)

MARTIN, DIETMAR

Examiner

Thomas A. Beach

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Shamblin et al 6,379,075. Shamblin shows an arrangement for fixing an add-on piece to a shovel boom or to a vehicle in a replaceable manner, having two parallel holding bolts 132/134 oriented parallel to and spaced apart from each other are arranged on the add-on piece; wherein the holding bolts can be gripped by grippers 52, which can be displaced in relation to one another and which are arranged on a holding element on the shovel boom or on the vehicle; the grippers comprise at least partially open insertion openings for the holding bolts and one of the grippers is connected to the holding element in a fixed manner and another one of the grippers 80 is held in a guide of the holding element in a linearly displaceable manner, a spring element 92 acting in a closing direction of the gripper are associated with the linearly displaceable gripper; an insertion opening 82 which is open in a direction of an imaginary plane through axes of the holding bolts is provided on the fixed gripper 64, an abutment which is oriented at least approximately at right angles to the imaginary plane, at a distance matching a distance between the holding bolts, is provided on the holding element as an insertion

part for the second holding bolt; and that the displaceable gripper comprises a hook-shaped, freely projecting section for at least partially gripping the second holding bolt on a region opposite the abutment.

As concerns claim 2, Shamblin shows the displaceable gripper 80 is formed as an essentially T-shaped component, having a first part that engages in guides of the holding element and a second part configured as the freely projecting, hook-shaped section extending approximately at right angles to the first part.

As concerns claim 3, Shamblin shows a mounting element 86/88, which has means for attaching one end of the spring element, is connected rigidly to the displaceable gripper.

As concerns claim 4, Shamblin shows the displaceable gripper 80 and the mounting element 88 are screwed to each other (fig 3).

As concerns claim 5, Shamblin shows the spring element 92 engages the mounting element 76 on one side and a fixed part of the holding element on the other side.

As concerns claim 6, Shamblin shows the mounting element 74 has a freely projecting flange, which covers the spring element in the closed position of the displaceable gripper up to the add-on piece.

As concerns claim 7, Shamblin shows the spring element 92 is formed by at least one helical spring.

As concerns claim 8, Shamblin shows the spring element 92 is formed by two helical springs (fig 3) oriented parallel to each other.

As concerns claim 9, Shamblin shows having a connection for attaching an implement for displacing 94 the gripper 80 on the displaceable gripper and/or on the mounting element connected to the gripper.

As concerns claim 10, Shamblin shows the connection comprises an angle bracket on a free, outwardly projecting end of the mounting element for attaching the implement (fig 3).

As concerns claim 11, Shamblin shows there is an elongated hole formed on a free, outwardly projecting end of the mounting element as the connection for attaching an implement (fig 4).

As concerns claim 12, Shamblin shows the insertion opening of the fixed gripper 64 is formed by a main part, which is adapted to a diameter of a first one of the holding bolts and which is semicircular in cross section, and includes angled insertion surfaces are located adjacent to the main part.

As concerns claim 13, Shamblin shows the abutment is formed running at an acute angle to an imaginary plane through the center axes of the holding bolts 132/134 and lying opposite the insertion opening on the fixed gripper 64, wherein the abutment transitions at a top end into a circular arc section and grips the other holding bolt (4) as a support section (fig 3-4).

As concerns claim 14, Shamblin shows the hook-shaped, freely projecting section of the displaceable gripper has an insertion opening, which is directed towards the abutment and which has a main part at least approximately semicircular in cross section and insertion surfaces adjacent to the main part located on both sides (fig 4).

As concerns claim 15, Shamblin shows a free end region of the hook- shaped section opposite the insertion opening has a rounded closing surface and thus is formed with a tapering profile towards the insertion opening (fig 4).

As concerns claim 16, Shamblin shows an opening (fig 3-4), which is smaller than a diameter of a holding bolt, remains between the abutment and the insertion opening on the hook-shaped section of the displaceable gripper, so that a constant positive and frictional fit is given when the holding bolt is inserted.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach

August 18, 2007

**THOMAS A. BEACH**  
Primary Examiner  
Group 3600